

MEMO ENDORS.

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February 20, 2008

BY HAND

Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Johnson v. City and State of New York Dep't of Corr., et al.,  
07 CV 9795 (RJS)

Dear Judge Sullivan:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant New York City Department of Correction ("DOC") in the above-referenced matter.<sup>1</sup> I am writing to respectfully request a sixty-day enlargement of time, from February 20, 2008 to April 21, 2008 within which defendant DOC may answer or otherwise respond to the complaint. I write directly to the Court because plaintiff is currently incarcerated and proceeding pro se in this matter. No previous request for an extension has been made by defendant DOC.

The complaint alleges, inter alia, that plaintiff was subjected to excessive force and denied medical treatment. In addition to DOC, the complaint purports to name the "State of New York Department of Correction," "C/O Remy #17286," and "Capt. Mathews #130" as defendants.<sup>2</sup> Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

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<sup>1</sup> Defendant respectfully submits that DOC is a non-suable entity.

<sup>2</sup> On information and belief, "C/O Remy #17286," and "Capt. Mathews #130," who plaintiff purports to name as defendants, have not yet been served with a copy of the summons and complaint in this action.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending defendant DOC's time to answer or otherwise respond to the complaint until April 21, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Bradford C. Patrick  
Assistant Corporation Counsel  
Special Federal Litigation Division

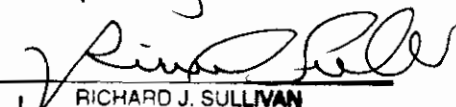
cc: BY MAIL  
David Johnson, DIN # 06-A-4464  
Plaintiff Pro Se  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, NY 10562

*Request granted. No further extensions will be granted absent truly compelling circumstances.*

SO ORDERED

Dated:

*2/21/08*

  
RICHARD J. SULLIVAN  
U.S.D.J.